



401 Hathaway Building • Cheyenne, WY 82002
Phone (307) 777-7656 • 1-866-571-0944
Fax (307) 777-7439 • www.health.wyo.gov



Stefan Johansson
Director

Mark Gordon
Governor

MEMORANDUM

Date: March 31, 2022
To: All Community Choices Waiver Participant-Directed Employers of Record
From: Lee Grossman, Home and Community-Based Services Section Administrator
Subject: Flexibility to Allow CCW Spousal Employment under Participant Direction
Ref: LG-2022-010

Effective April 1, 2022, the Home and Community-Based Services (HCBS) Section authorizes participants of the Community Choices Waiver (CCW) who act as their own employer of record (EOR) to hire and pay their spouse as an employee in order to provide personal support services as authorized within their approved service plan.

The spouse cannot be hired as an employee if there is evidence that demonstrates the spouse is authorized to make financial decisions on behalf of the participant, such as a financial Power of Attorney or bank signing authority. As part of the ACES\$ enrollment process, the participant and their spouse will be required to attest in writing that the spouse is not authorized to make financial decisions or sign fiscal documents on behalf of the participant. These attestations must be received by ACES\$ prior to the spouse's employment being finalized. Medical and other limited Power of Attorney (POA) and authorized representative agreements between the participant and spouse are not considered to demonstrate financial decision making authority.

The spouse must deliver services as outlined in the participant's service plan, and in accordance with the scope, limitations, and service definition established in the Community Choices Waiver Service Index.

If a spouse is found to have documented financial authority for the participant, the spouse will not be eligible to receive payment, and will be subject to payment recovery for any payment received for services provided to the participant. If fraudulent activity is identified, the participant may be removed from the participant-directed service delivery model.

This modification is temporary and is authorized through an Appendix K waiver amendment. This flexibility will be in effect until six (6) months after the COVID-19 public health emergency expires. The HCBS Section will determine if this modification can be made permanent prior to

expiration of the Appendix K authority. Participants who utilize this flexibility will be notified in advance of any changes to the temporary nature or expiration of this flexibility.

If you are interested in enrolling your spouse as an employee under this flexibility, please reach out to ACES\$ to request the employee enrollment paperwork.